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Government of the District of Columbia



**Office of the Deputy Mayor for  
Public Safety and Justice**

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Testimony of  
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Deputy Mayor for Public Safety and Justice

***“Public Hearing on the Criminal Code Modernization  
Amendment Act of 2005, the Criminal Code Reform  
Commission Establishment Act of 2005, and the  
Omnibus Public Safety Act of 2005”***

Committee on the Judiciary  
Phil Mendelson, Chair  
Council of the District of Columbia

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Room 500  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
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Good morning Chairperson Mendelson and members of the Committee on the Judiciary. I am Edward Reiskin, Deputy Mayor for Public Safety and Justice. My testimony will place the three bills under consideration today within the context of the Administration's broader public safety strategy. While many indicators suggest that our strategy is a success, our experiences have taught us that there are gaps in the criminal code that can and should be filled to further protect our most vulnerable residents, reduce crime, safeguard privacy, and generally improve public safety in the District of Columbia.

First, the successes: DC experienced a nearly 18 percent reduction in crime in calendar year 2004. That followed a nearly 9 percent drop in crime the year before. But the most noteworthy aspect of this trend is that the benefits of were shared by residents across the city – there were reductions in every major crime category and in each of the seven police districts in 2004.<sup>1</sup> Through the hard work and vigilance of many, this trend is continuing in calendar year 2005. Serious crime is down more than 14% through April 2005 over the same period in 2004.<sup>2</sup>

Of particular interest to residents, visitors, and the leadership of DC is the reduction in homicides. Homicides fell by more than 20 percent from 2003 to 2004. Last year, the District ended the year with fewer than 200 homicides for the first time since 1986. In the first four months of 2005, the homicide rate has dropped by more than 19 percent over the same period in 2004.

Despite these tremendous and unprecedented reductions, crime in the District, and particularly in some neighborhoods, remains unacceptably high. We are therefore not easing up on our efforts; on the contrary, we are redoubling them. And we are doing so comprehensively.

The Mayor's proposed FY 2006 budget sought significant increases in areas that address some of the underlying factors that contribute to crime. The Mayor created the Way To Work initiative to actively connect District adults with the thousands of jobs that have been created in the past six years and to engage youth in productive activities to keep them off of the streets and prepared to enter the workforce.

The Mayor also increased funding for subsidized childcare. Lack of childcare acts as a double stressor in a household. First, it requires logistical juggling in order to ensure children's needs are met. Secondly, it often prevents one parent from entering the workforce.

Following the successful model of focus and coordination that characterizes the Hot Spots initiative, which brought down crime in some of our more challenged neighborhoods at an even greater rate than the District as a whole, the Mayor launched the New Communities initiative. New Communities will enable residents of areas besieged by high crime and low employment to redesign and rebuild their neighborhoods. By so doing, they will not only be able to significantly improve their quality of life, but will also preserve affordable housing. And the unprecedented

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<sup>1</sup> Testimony of the Chief of Police before the DC Council Committee on the Judiciary on Metropolitan Police Department Performance in FY2004, March 10, 2005

<sup>2</sup> Citywide Monthly Crime Statistics, <http://mpdc.dc.gov>

affordable housing development will continue due to the current robust funding of the previously unfunded Housing Production Trust Fund.

The Great Streets initiative will transform some of the District's major corridors into thriving, active streets. Reconstructed streetscapes and filled commercial spaces will revitalize some of our most prominent thoroughfares that run through and support neighborhoods throughout the District.

What do jobs, childcare, affordable housing, and great streets have to do with crime reduction? A lot. Unemployment, homelessness, blighted neighborhoods all create conditions that make crime more likely. Through these initiatives, and through closer coordination with our social service agencies, the Mayor is taking a holistic approach to crime reduction.

And of course, the Metropolitan Police Department continues to employ a public safety strategy that encompasses a wide range of prevention, intervention, and enforcement efforts targeting every category of crime. And as crime in nearly every category continues to fall, the District recognizes that intensified efforts are required to combat persistent problems plaguing the city, such as juvenile and domestic violence.

In January of this year, MPD issued a report on juvenile homicide in DC that sought to understand the nature and extent of the problem of juvenile violence that led to a dramatic increase in the number of young people murdered in 2004. The report and associated joint hearing drew much needed attention to the subject and focused our attention on comprehensive, long-term solutions to youth violence that engage our partners inside and outside the government.

While it is still too early to know if 2004 was an outlier or sign of problems to come, we are cautiously optimistic that there will be fewer juvenile homicide victims in 2005. As of last week, there have been six juvenile homicides in 2005, down from 14 over the same period in 2004.<sup>3</sup>

Consistent with adult homicides, juvenile homicides are most often committed with guns. To reduce the threat of gun violence, officers are removing more and more firearms from our streets and homes. In 2004, firearm recoveries topped 2,000 for the first time in recent years. And during the first five months of 2005, MPD has already exceeded the number of firearms recovered in the first six months of 2004.

Although juveniles are still more likely to die at the hands of adults, a significant number are killed by other juveniles. MPD employs enforcement of the law as a way to intervene with juvenile offenders early on, when they may be involved with less serious crimes. This strategy of using enforcement as a means of intervention seeks to stop juvenile car theft, curfew violations, and truancy so that young people are discouraged from becoming involved in more serious offenses later in their lives.

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<sup>3</sup> Preliminary DC Index crime data (subject to change), <http://mpdc.dc.gov>

Overall, juvenile arrests increased by more than 15 percent in 2004 over 2003, with a particular emphasis on these “gateway” crimes, followed by aggressive prosecution and progressive sanctions to send an unambiguous message.<sup>4</sup> During the first five months of 2005, juvenile arrests are slightly lower than the 2004 year-to-date total, but still reflect an intensive focus on juvenile crime.

Regarding enforcement of the unauthorized use of an automobile (UUV), a regional partnership to curb auto theft called Washington Area Vehicle Enforcement teams (WAVE) implemented by MPD has been very successful. In 2004 alone, WAVE resulted in 414 arrests and 381 vehicles recovered (including 14 car-jacked vehicles) at a value of \$4.5 million. Seventy-one stolen license plates were recovered, 32 felony warrants were served, and 21 misdemeanor warrants were served as a result of this initiative. Many of the WAVE arrests contributed to MPD’s ability to identify and arrest 568 juveniles for UUV in 2004, down slightly from 617 juvenile UUV arrests in 2003. As of mid-May, MPD is continuing its efforts to crack down on juvenile car theft by making 161 UUV arrests.<sup>5</sup>

The District has also redoubled its efforts to enforce curfew and truancy laws as a means of intervening early to prevent more serious juvenile crime. Last summer the District opened two new curfew centers, allowing MPD to issue more than 1,200 violations in 2004 a staggering increase from the 230 violations issued in 2003. Since the beginning of this calendar year, MPD has issued approximately 800 curfew violations, a pace that will exceed last year’s total if sustained. And over the past 17 months, MPD picked up over 4,300 truants, including 1,200 in 2005 alone.

All of these activities provide lessons for those of us in the public safety sector. One such lesson is that the problems of neighborhood crime and violence do not respect boundaries and too often spill over into our schools. This spill-over effect was one important reason for extending our public safety strategy to include the transfer of management responsibility for school security from DC Public Schools (DCPS) to MPD.

As we discussed at last week’s School Security Roundtable, MPD will assume management of the security contract and oversee the performance of the private security personnel in our public schools, effective July 1. The new contract represents the collective efforts of MPD, DCPS, and the Office of Contracts and Procurement and includes, among other noteworthy provisions, higher standards for the selection and training of school security personnel.

MPD will maintain the presence of its School Resource Officers (SROs), whose ranks rose to 99 plus 14 supervisors this year. SROs and their sergeants will continue to provide a uniform police presence at junior and senior high schools throughout the District and facilitate critical coordination with patrol officers in the surrounding Police Service Areas (PSAs).

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<sup>4</sup> Testimony of Chief Ramsey, Joint Oversight Hearing on Juvenile Homicides in the District of Columbia, January 31, 2005

<sup>5</sup> Preliminary DC Index crime data (subject to change), <http://mpdc.dc.gov>

So one can appreciate how the District's public safety strategy relies upon the energies and creativity of multiple government agencies as well as community partners. While the District is actively involved in countless community partnerships in the area of public safety, I will name just a few:

- Last year, MPD's Regional Operations Command-East (ROC-East) collaborated with MPD's conflict resolution teams, the Department of Parks and Recreation's Roving Leaders, DCPS, and the East of the River Community Partnership to hold a "Girlfriend to Girlfriend" summit involving over 160 young women from 10 major female gangs.
- The multi-agency Gang Intervention Partnership in Northwest DC created by MPD two years ago continues to address the underlying causes of youth violence by engaging Latino youth in positive activities.
- The Youth Advisory Councils include one to two representatives from every middle, junior high, and high school in each Police District. Their purpose is to advise police officials on issues affecting young people and to assist in problem-solving projects in their communities.
- The DC Fashion Idol program was initiated to provide females between the ages of 12-18 with a positive recreational activity, while at the same time affording the police and community members the opportunity to establish a rapport with these young women. The ultimate goal is to assist young people to become productive citizens by pairing them with mentors providing the necessary resources to help them fulfill their individual constructive ambitions.

Our public safety strategy also requires that we leverage available resources to address persistent problems. One such recent example involves funding for victims of domestic violence. As the Mayor announced in March, the District is making available \$16.8 million to address the needs of victims of violent crime. These funds will be released over the next few months through the city's Office of Victim Services (OVS). The funds will provide support for existing victim service providers and allow existing programs to increase the number of services available to victims, such as:

- \$3.5 million for the creation of 100 - 150 new shelter beds for victims of domestic violence,
- \$2.5 million for the expansion and development of direct services to victims,
- \$2 million for the creation of a community based Victims Services Center that will allow for the co-location of other services to victims in a one-stop center, and
- \$1.8 million to develop and increase the services to survivors of homicide that will provide much needed support to family, friends and communities that have experienced this devastating crime.

Beyond the significant successes of our juvenile and domestic violence prevention programs, the District's public safety strategy includes special initiatives like the Mayor's Hot Spot initiative. The Hot Spots initiative is operated jointly by the Office of Neighborhood Services and MPD and in its second year has identified new Hot Spot areas while continuing to monitor some of the

original Hot Spots. The 14 designated hot spots were chosen for their concentration of crime and are located in all four quadrants of the District of Columbia and in six of the seven police districts.

In each hot spot, MPD assigns additional patrols (vehicle, bicycle and foot), deploys specialized units (such as narcotics, gangs, prostitution and vehicle theft), conducts criminal investigations, and manages problem-solving efforts. The Office of Neighborhood Services coordinates the efforts of other government agencies through individual Coordinators assigned to each of DC's eight wards. As a sign of the program's success, overall crime—including both violent and property offenses—is down in the hot spots. Combined, the 14 areas have experienced a 28 percent reduction in serious crime during calendar year 2005, compared with a 13 percent drop citywide.<sup>6</sup>

Despite new initiatives, improved deployment, enhanced coordination within the government, and partnership outside of it, we know that our work to improve public safety is not done. Our collective experiences have taught us that our law enforcement officials and community partners still need additional tools to address persistent problems that threaten our sense of safety. It is for this reason that the Mayor has proposed the Omnibus Public Safety Act of 2005 to modernize the criminal code through 22 titles that will further protect our most vulnerable residents, reduce crime, safeguard privacy, and generally improve public safety in the District of Columbia.

The Omnibus act will do three major things. First, it will strengthen existing laws that we have found to be inadequate to sufficiently deter or provide appropriate consequence for certain crimes. Second, it will add new laws to give our law enforcement officers and prosecutors the tools they need – tools that their counterparts across the country have – to address undesirable activities in our community. Third, it will make technical changes to help make our criminal justice system more rational and effective.

Many of the Act's provisions address violent crime in the District. For example, Title I amends the criminal code to prohibit felons from possessing not only pistols but all firearms. Because there is too much gun violence – gunshot wounds claimed the lives of 79% of all homicide victims between 2001 and 2004 – the Mayor recognizes the need to increase penalties for the illegal possession of firearms.<sup>7</sup> As you will hear from the Attorney General in greater detail, this title imposes a mandatory minimum of one year for persons carrying a gun near schools or other safe places defined as gun-free zones, adds public housing areas to possible gun-free zones, and creates a mandatory minimum of one year for a felon in possession of a firearm and increases the maximum penalty to 10 years. The pain that guns bring to our neighborhoods, including that experienced when a gun was used to end the life of a 17-year old last night, demands strong penalties.

Title VI creates an enhanced offense of assault resulting in bodily injury to fill the wide gap between simple assault (subject to a 180-day sanction) and aggravated assault (subject to a 10-

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<sup>6</sup> Hot Spot Crime Summary Assessment, 2/1/05 through 5/21/05, Metropolitan Police Department

<sup>7</sup> A Report on Homicide in the District of Columbia, 2001-2004, Metropolitan Police Department

year sanction). The new offense would involve a penalty of a fine not more than \$3,000 or imprisonment for not more than three years, or both. This title levels the District with most other states that have graduated degrees of assault.

The Mayor also recognizes that existing law can be improved to provide police officers and related law enforcement officials with greater protection against violence. Under current law, there are only two levels of offense for violence directed at police officers based on armed or unarmed offenses, both of which carry significant penalties. In practice, therefore, most assaults on a police officer (APOs) are charged as simple misdemeanor assaults, and the law does not extend to other law enforcement officials. Title IV of the Omnibus Act creates a misdemeanor assault on a police officer offense so that less serious assaults can be accurately charged. It also adds APO to the definition of “crimes of violence” and it expands coverage of the law to include probation, parole, pretrial release and supervised release officers, as well as officers from other jurisdictions who are authorized to engage in law enforcement within the District. To further protect police, Title V makes it a felony to possess ammunition which, when fired from a pistol, is capable of penetrating the Kevlar jackets worn by many law enforcement officials in the line of duty. Law enforcement officers are trained, often armed, and in place to protect the rest of us. Anyone willing to assault a law enforcement officer is therefore an even greater threat to us all. Our criminal code should commensurately sanction this increased threat.

Another key title of the Omnibus Act covers victims of domestic violence. Domestic violence is a crisis in our community. Unfortunately, some victims of domestic violence do not get the best response we have to offer due to legal definitions. Title VIII would expand the definition of an intra-family offense to include criminal offenses by new and former partners and stalkers. This expansion is important to capture circumstances currently outside of our domestic violence laws. This title would also prohibit the disabling of telephones to prevent or interfere with reporting criminal offenses or child abuse and with requests for emergency medical services.

The Mayor recognizes that senior citizens and children are particularly vulnerable to crime. That is why he has proposed Title II of the Omnibus Act to enhance penalties associated with crimes against persons older than the age of 60 and Title XIII to enhance penalties for crimes against minors committed by someone who is at least two years older than the victim. Mr. Spagnoletti will later testify to the chilling nature and the surprising frequency and severity of these crimes that occur in the District. Further, the Title expands the code to make eligible all crimes of violence, not just robbery and attempted robbery, as offenses for which these enhanced penalties are available.

Almost a third of the Act’s provisions are designed to grant specific new protections to children. For example, Title X would remove hurdles to prosecuting people in positions of responsibility and trust, such as high school teachers and coaches, by making it unlawful for them to have sex with youth with whom they interact. It would also prohibit employees and volunteers from engaging in sexual activity with a patient or inmate. Title X would also create a new misdemeanor child sexual abuse provision and extend the statute of limitations to include offenses that occurred in connection with a sex offense, such as burglary, robbery, or kidnapping.

To further protect our youth while also addressing violent crime, the Mayor has proposed Title IX to make it a crime to recruit or coerce others to join a gang, which is defined as a group that conditions membership on committing a beating or sexual act, committing a crime, or without the legal right, attempts to exclude a person from a geographic area using violence. Title VII further addresses the problem of gang activity by adding gang recruitment, participation, or retention in a gang by the use or threatened use of force, coercion, or intimidation to the list of crimes of violence. Moreover, Title VII amends all provisions of the criminal code to define “crimes of violence” consistently.

Finally, the Act applies the successful approach of drug-free zones to the fight against another quality-of-life crime – prostitution. As you will hear today from Chief Ramsey, the problem of prostitution remains quite high in some neighborhoods due in part to the District’s weak and out-dated prostitution laws. Title XXI of the Omnibus Act amends the law to make engaging in prostitution illegal. Surprisingly, existing law only covers solicitation. This provision also gives the Chief of Police the authority to declare prostitution-free zones for a period up to 120 consecutive hours, similar to the Chief’s existing powers to create drug-free zones. By limiting the time during which a zone can be declared and requiring the police to only prohibit loitering in the area for the specific purpose of prostitution-related activity, the law honors the constitutional freedom of assembly that we all cherish.

These are all solutions that don’t require further study and will help us reduce and deter crime today. While it is certainly worthwhile to take a comprehensive look at the criminal code as the Criminal Code Modernization Amendment Act and Reform Commission Establishment Act of 2005 suggest, the two approaches are not mutually exclusive. We should act now to implement the provisions of the Omnibus Act while simultaneously beginning the longer process of exploring broader, more wide-ranging reforms. Consider that such a whole scale reform process, if done well, will require a significant amount of time – perhaps more than nine months – to accomplish the new commission’s work. That is why the Mayor has proposed the immediate solutions in the Omnibus Public Safety Act of 2005 to give public safety officials the tools they need today to make our homes, streets, and neighborhoods safer.

In closing, thank you for this opportunity to appear before you on the important topic of public safety in the District of Columbia. I am available for any questions that you may have.